

09/408472

## IN THE ISRAEL PATENT OFFICE ACTING AS PCT RECEIVING OFFICE

Applicant : YEDA RESEARCH & DEVELOPMENT CO. LTD.  
Inventor : Yochay DANZIGER et al.  
Application No. : PCT/IL98/00204  
Filed : April 29, 1998  
Title : OPTICAL RESONATORS WITH DISCONTINUOUS  
PHASE ELEMENTS

Hon. Commissioner for Patents  
Jerusalem

September 28, 1998

DECLARATION PURSUANT TO PCT RULE 4.15

As the undersigned, I, Paulina Ben-Ami, a citizen of Israel residing at 43A Gordon Street, Rehovot, Israel, declare as follows:

1. I am employed as the Vice President for Patents and Business Development by Yeda Research and Development Company Ltd. (hereinafter "Yeda"), an Israel company located at the Weizmann Institute of Science, P.O. Box 95, Rehovot, 76100 Israel. Yeda holds title to all inventions developed at the Institute and to any and all patents and patent applications directed to said inventions. I am also licensed to practice as a patent attorney before the Israel Patent Office.
2. Professor Asher Friesem is a Professor in the Department of Physics of Complex Systems at the Weizmann Institute of Science (hereinafter "the Institute") in Rehovot, Israel. Professor Friesem is also one of the inventors of the invention described in paragraph 3 below.
3. Mr. Yochai Danziger is a citizen of Israel whose last residence known to me was 5/26 Sdeh Nachum Street, Rishon Letzion, Israel. While a doctoral student at the Weizmann Institute, Mr. Danziger worked under Professor Friesem's supervision in Professor Friesem's laboratory.
4. On May 1, 1997, during the period of Mr. Danziger's studentship at the Institute, a patent application was submitted to the Israel Patent Office. This application, hereinafter referred to as "the Israel Application", was filed in the name of Yeda as applicant, and received the application number 120754. The subject of the Israel Application was an invention concerning an optical resonator device (hereinafter "the invention"). Mr. Danziger was one of the inventors of the invention.
5. Through my work as a patent attorney, I am aware that in order to apply for a patent via the Patent Cooperation Treaty (PCT) wherein the U.S. is a designated state, it is necessary for each of the inventors of any invention for which patent protection is sought to personally sign the application, or to personally sign a power of attorney form designating an attorney or agent to represent him.

EXHIBIT A

**Declaration of Paulina Ben-Ami**  
**September 14, 1998**

I am also aware that if a national phase application corresponding to a PCT application is eventually filed in the U.S., it is necessary for each of the inventors of any invention for which patent protection is sought to personally sign a declaration to be submitted to the U.S. Patent Office.

I am also aware that during both the National Phase in the U.S. and the International Phase of the PCT Application, the signatures or declarations must be filed within a specified period from the filing date of the patent application.

I am also aware that in situations where the owner of the invention is not the inventor, each inventor must also sign an assignment, wherein he assigns his rights in the invention to the owner.

6. On September 2, 1997, both Mr. Danziger and Professor Friesem signed an assignment (hereinafter "the Assignment"), assigning all rights in the invention and any patent applications and/or patents which might result therefrom to Yeda. A true and correct copy of the Assignment is submitted with this declaration as appendix A.

7. In the Assignment, both Mr. Danziger and Professor Friesem obligated themselves to "sign all lawful papers, make all rightful oaths and do all lawful acts" required for the furtherance of any patent applications filed on the basis of the invention or the Israel Application, in order to help Yeda protect its rights in the invention and any patent applications based thereupon.

8. In accordance with the Yeda's rights, including those rights which the Yeda acquired through the Assignment, Yeda is in the process of seeking patent protection for the invention in various countries around the world. Yeda therefore filed PCT Patent Application No. PCT/IL98/00204 (hereinafter "the PCT Application"), concerning the invention, on April 29, 1998. The PCT Application claims priority from the Israel Application. The PCT Application was filed in the name of the applicant Yeda in all designated states except the U.S., and in the names of Mr. Danziger, Mr. Ram Oron, and Professor Friesem in the U.S. The PCT Application was filed without the signatures of the inventors and without a power of attorney form signed by all the inventors.


9. The firm of Sanford T. Colb & Co. is representing Yeda before the Israel Patent Office in matters concerning the Israel Application and the PCT Application. On June 10, 1998, Sanford T. Colb & Co. sent Yeda power of attorney forms to be signed by the inventors and a representative of Yeda. Mr. Danziger refused to sign a power of attorney form, even after several attempts to obtain his signature. On August 16, 1998, Professor Friesem and Mr. Oron signed a power of attorney form, and on August 18, 1998, I, along with Mr. Yaakov Cohen, a Vice President of Yeda, and Professor Friesem, signed another such form. Neither form was signed with Mr. Danziger's signature, because of Mr. Danziger's refusal to sign such a form. On August 25, 1998, both signed power of attorney forms were submitted to the Israel Patent Office, acting as the PCT Receiving Office.

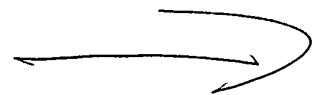
**Declaration of Paulina Ben-Ami**  
**September 14, 1998**

10. Under PCT Rule 4.15, in a situation where (a) the U.S. is a designated state and (b) more than two inventors are listed on the application, but at least one of the inventors refuses to sign the application, then one of the remaining inventors may sign the application in place of the refusing inventor.

11. Mr. Danziger has a contractual obligation to sign the PCT application and/or the power of attorney form. He is aware of this obligation, and has been contacted by Yeda on several occasions to be reminded of this obligation and request his compliance with this obligation. Nevertheless, Mr. Danziger refuses join the PCT Application by signing the power of attorney form, as required of him. This refusal can have significant adverse consequences for the PCT Application, as well for Yeda, if the request to accept the power of attorney pursuant to Rule 4.15 is not accepted by the Israel Patent Office acting as the PCT Receiving Office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made may jeopardize the validity of the PCT Application or any patent issued thereon.

  
Paulina Ben-Ami, Israel Citizen  
43A Gordon Street  
Rehovot, Israel  
September 28, 1998



## ASSIGNMENT

In consideration of the sum of One Israel Shekel and other good and valuable consideration paid to each of the undersigned, the receipt of which is hereby acknowledged, we

Asher A. Friesem, I.D. 1516096, Neve Metz 15, WIS, Rehovot 76100

Yochay Danziger, I.D. 058446667, 5/26 Sdeh Nachum Street, Rishon LeZion 75284

hereby sell and assign and transfer to

**YEDA RESEARCH AND DEVELOPMENT CO. LTD.**

a company registered under the Laws of Israel having its place of business at The Weizmann Institute of Science, P.O. Box 95, Rehovot 76100, Israel

its successors, assigns, nominees, or other legal representatives, the entire right, title and interest in and to the invention

### **OPTICAL RESONATORS WITH DISCONTINUOUS PHASE ELEMENTS**

invented by

Asher A. Friesem and Yochay Danziger

and the Patent Application that was filed in Israel under No. 120754 and all original and reissued patents granted therefore and all divisions, continuations, substitutions, and renewals thereof, including the subject matter of any and all claims which may be obtained in any such patent, and the right to apply for and obtain patents in countries foreign to Israel and in and to any Letters Patent which may be granted thereon in such countries and authorize and request the Commissioner of Patents in Israel and any official of any country or countries foreign to Israel whose duty it is to issue patents on applications as aforesaid, to issue the said letters patent to the said company, its successors, assigns, nominees or other legal representatives, as assignee of the entire interest, covenant that we have the full right to convey the entire interest herein assigned and that we have not executed and will not execute any agreement in conflict herewith, and agree to sign all lawful papers, make all rightful oaths and do all lawful acts requisite for such patent applications and we further covenant and agree that we will, at any time upon request of the Company, do everything possible to aid said Company, its successors, assigns, nominees or other legal representatives, either in its or their own name, to apply for, obtain and enforce patent protection for said invention in all countries, all without further consideration but at the expense of the Company, its successors, assigns, nominees or other legal representatives.

And we covenant that this assignment is in our name, in the name of our executor, administrator, heir(s), and/or anyone who shall be, or act in, our stead.

Notwithstanding the date hereof, this Agreement shall be deemed to have applied with respect from the date in which the first patent application has been filed.

Asher A. Friesem



A handwritten signature of Asher A. Friesem in black ink, written over a horizontal line.

Yochay Danziger



A handwritten signature of Yochay Danziger in black ink, written over a horizontal line.

Dated this 2 of 9 1997

YEDA  
RESEARCH AND DEVELOPMENT  
CO. LTD.